CONTRACTS—PARTIES—CONSIDERATION—HUSBAND AND WIFE—BUCHANAN V. TILDEN, 52 N. E. Rep. 724 (N. Y.).—Plaintiff's husband agreed with defendant to give his services and raise money to aid in breaking will of late Samuel J. Tilden, and as compensation plaintiff (who was related, but not by blood, to the late Mr. Tilden) was to share with the other Tilden heirs, should the suit be successful. On winning the above suit, and failure of present defendant to pay the consideration for plaintiff's husband's services. she brings suit in her own name to recover the same. *Held* (by a divided court), that the plaintiff could recover on the above state of facts. Although plaintiff was a stranger to the consideration, she could recover because her husband owed her a duty to provide for her future, and also by reason of her equitable and moral claim as niece by adoption to the late Mr. Tilden.

CONTRACTS—RESCISSION—MISTAKE—MOFFETT, HODGKINS & CLARKE CO. V. CITY OF ROCHESTER, 91 Fed. 28.—Complainant, in bidding for a public work, made a clerical error, by which he offered to contract at an unprofitable price. *Held,* Shipman, J., dissenting, that there could be no rescission of the contract.

COMMON CARRIERS—TRUCKMEN—ORDINARY CARE—JACKSON ARCHITECTURAL IRON WORKS V. HURLBUT ET AL., 52 N. E. Rep. 665 (N. Y.).—Defendants, who advertised themselves as general truckmen, making a specialty of moving heavy machinery, and who maintained all appliances and necessities for such business, were *held* to be common carriers. This, even though they had no regular tariff of charge, as from the nature of the business it is necessary to charge different prices in each case, according to amount of labor required in handling large bulks.

CORPORATIONS—LIBEL BY SERVANT OF TELEGRAPH CO.—EXEMPLARY DAMAGES—PETERSON V. WESTERN UNION TELEGRAPH CO., 77 N. W. 985 (Minn.).—Defendant's servant, who had the entire management of defendant's business at one of its offices, sent the plaintiff a libelous message. *Held,* that the telegraph company was liable for exemplary damages.

DAMAGES—DYNAMITE EXPLOSION—WRONGFUL ACT—SUFFICIENCY OF EVIDENCE—PROXIMATE CAUSE—LAIDLAW V. SAGE, 52 N. E. Rep. 679 (N. Y.).—Plaintiff sued to recover for personal injuries alleged to have been caused by defendant placing plaintiff between himself and a dynamite explosion. Plaintiff's evidence, which was uncorroborated, was that defendant put his hands on plaintiff and moved him eighteen inches in front of him, though no force was used in doing it. Plaintiff's memory became weak after accident. Missiles were found in defendant's body which could not have reached him if plaintiff had been in front of him. Defendant testified that he did not move plaintiff, and his evidence was corroborated by three witnesses. *Held,* that as matter of law the evidence was insufficient to sustain a verdict for the plaintiff. As the explosion was a terrific one, several being killed, and as defendant was in no way responsible therefor, the court further *held,* that evidence of acts of defendant did not sustain burden of showing that such acts caused substantial injury to plaintiff. The defendant's act was not the proximate cause of plaintiff's injury.

ELECTIONS—BALLOTS AND INSPECTION—TOWN CLERK—MANDAMUS—KEEFE V. DONNELL, 42 Atl. (Me.) 345.—At a state election petitioner's name was on the official ballots in the town of K as a representative to the Legislature. According to "the result declared and recorded," he failed of an elec-